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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,683

03/29/2004

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EXAMINER

BAKER, CHARLOTTE M

ART UNIT

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2625

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/811,683	<b>Applicant(s)</b> COX ET AL.	
	<b>Examiner</b> Charlotte M. Baker	<b>Art Unit</b> 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/29/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/19/2004</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kroening et al. (6,928,644).

**Regarding claim 1:** Kroening et al. disclose an interface (Fig. 1, interface 28) operable to accept image parameters from a builder (Fig. 1, image builder 20) through the Internet (col. 8, ln. 63-67); an image library (Fig. 1, image server 40) having plural image components (Figs. 3A-3D); an image creation engine (Fig. 1) operable to apply the image parameters to select associated image components from the image library (Fig. 1, image server 40) to build an image conforming with the parameters (col. 5, ln. 1-19); and image build (Fig. 1, image builder 20) and test systems (Fig. 6, test 618) interfaced with the image creation engine (Fig. 1) and operable to accept the library components to generate an information handling system having the built image (col. 5, ln. 1-19)(Fig. 2).

**Regarding claim 2:** Kroening et al. satisfy all the elements of claim 1. Kroening et al. further disclose wherein the image build (Fig. 1, image builder 20) and test systems (Fig. 6, test 618)

Art Unit: 2625

comprise hardware information handling systems built to accept the image (col. 5, ln. 1-19)(Fig. 2).

**Regarding claim 3:** Kroening et al. satisfy all the elements of claim 1. Kroening et al. further disclose wherein the image build (Fig. 1, image builder 20) and test systems (Fig. 6, test 618) comprise software virtual information handling systems (Figs. 3A-3B) built to accept the image (col. 5, ln. 1-19)(Fig. 2).

**Regarding claim 4:** Kroening et al. satisfy all the elements of claim 1. Kroening et al. further disclose wherein the image library (Fig. 1, image server 40) comprises information handling system manufacturer defined image components and builder defined image components (col. 5, ln. 1-19).

**Regarding claim 5:** Kroening et al. satisfy all the elements of claim 4. Kroening et al. further disclose wherein the manufacturer defined image components comprise one or more of operating systems, base images and applications (col. 5, ln. 25-35).

**Regarding claim 6:** Kroening et al. satisfy all the elements of claim 4. Kroening et al. further disclose wherein the builder defined image components comprise one or more of builder-uploaded files, applications, and custom settings (col. 5, ln. 1-19)(col. 9, ln. 18-30).

**Regarding claim 7:** Kroening et al. satisfy all the elements of claim 6. Kroening et al. further disclose wherein the builder defined custom settings comprise hard disc drive partitions, BIOS settings, network settings, desktop settings, system names and registry entries (col. 5, ln. 20-35).

**Regarding claim 8:** Kroening et al. satisfy all the elements of claim 1. Kroening et al. further disclose an image test engine (Fig. 6, test 618) operable to accept test commands communicated through the Internet (col. 8, ln. 63-67) and to apply the test commands (Fig. 6, test 618) to the

Art Unit: 2625

image build (Fig. 1, image builder 20) and test systems (Fig. 6, test 618) (col. 11, ln. 54 through col. 12, ln. 19).

**Regarding claim 9:** Kroening et al. satisfy all the elements of claim 1. Kroening et al. further disclose an image promotion engine (Fig. 1, image server 40) operable to communicate a copy of the built image to an information handling system manufacturing site for manufacture of information handling systems having the built image (col. 5, ln. 1-19) (col. 7, ln. 40-48).

**Regarding claim 10:** Kroening et al. satisfy all the elements of claim 1. Kroening et al. further disclose an image management engine operable to accept builder defined image components through the Internet and to copy the builder defined image components to the image library (col. 5, ln. 1-19).

**Regarding claim 11:** Kroening et al. disclose accessing a library of plural image components by a customer through a remote network communication (Fig. 1); selecting image components for inclusion in manufactured information handling systems (Figs. 3A-3D and col. 5, ln. 1-19 and col. 9, ln. 18-30); defining an image manifest with the selected components (Figs. 3A-3D and Fig. 4); building an image from the image manifest on a test information handling system (Fig. 6, test 618); and copying the built image from the test information handling system for use in manufacture of the information handling systems (col. 5, ln. 1-19 and col. 11, ln. 54 through col. 12, ln. 19).

**Regarding claim 12:** Kroening et al. satisfy all the elements of claim 11. Kroening et al. further disclose promoting the built image to an information handling system manufacture

Art Unit: 2625

environment (col. 5, ln. 1-19); and copying the built image to a manufactured information handling system (col. 5, ln. 1-19).

**Regarding claim 13:** Kroening et al. satisfy all the elements of claim 11. Kroening et al. further disclose accessing the test information (Fig. 6, test 618) handling system by the customer through the remote network connection (Fig. 1); and testing operation of the image on the test information handling system (col. 11, ln. 54 through col. 12, ln. 19).

**Regarding claim 14:** Kroening et al. satisfy all the elements of claim 13. Kroening et al. further disclose wherein the test information handling system comprises a hardware information handling system having the image loaded (Fig. 5 and Fig. 6, test 618 and col. 11, ln. 54 through col. 12, ln. 19).

**Regarding claim 15:** Kroening et al. satisfy all the elements of claim 13. Kroening et al. further disclose wherein the test information handling system comprises a virtual information handling system modeled in network-accessible memory (Fig. 6, test 618 and col. 11, ln. 54 through col. 12, ln. 19).

**Regarding claim 16:** Kroening et al. satisfy all the elements of claim 11. Kroening et al. further disclose uploading to the image library from the customer through the remote network communications one or more custom image components (Fig. 1 and Fig. 5); and including the custom image components in the image manifest (Fig. 5) (col. 5, ln. 1-19 and col. 11, ln. 6-20).

**Regarding claim 17:** Kroening et al. satisfy all the elements of claim 16. Kroening et al. further disclose wherein the custom image components comprise one or more custom

Art Unit: 2625

applications (Figs. 3A-3D and Fig. 5) operable to perform a desired function on a manufactured information handling system (col. 5, ln. 1-19 and col. 9, ln. 18-30 and col. 11, ln. 6-20).

**Regarding claim 18:** Kroening et al. satisfy all the elements of claim 16. Kroening et al. further disclose wherein the custom image components comprise custom information handling system settings (Figs. 4 and 5) (col. 10, ln. 37 through col. 11, ln. 20).

**Regarding claim 19:** Kroening et al. satisfy all the elements of claim 18. Kroening et al. further disclose wherein the custom information handling system settings comprise one or more of hard disc drive partitions, BIOS settings, network settings, desktop settings, system names and registry entries (col. 5, ln. 20-35).

**Regarding claim 20:** Kroening et al. satisfy all the elements of claim 18. Kroening et al. further disclose storing the built image in the library (col. 5, ln. 1-19); and creating a new image by editing the stored built image (col. 6, ln. 14-32).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kondo (US 2003/0028553 A1); Kroening (US 2003/0158926 A1); Sedlack et al. (US 2004/0025155 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459.

The examiner can normally be reached on Monday-Friday 8:30-5:00.

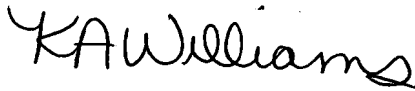
Art Unit: 2625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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